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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,740	03/29/2001	Michelle Perras	27950-00482USPT	4356

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EXAMINER

FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/819,740

Applicant(s)

PERRAS, MICHELLE

Examiner

Derrick W. Ferris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 and 31-39 is/are allowed.
- 6) ☒ Claim(s) 16-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. This Office action is in response to applicant's paper filed 2/21/2005. **Claims 1-39** as amended are still in consideration for this application. Applicant has amended claims 1, 15, 16, 26, 30, 31, and 39. Applicant has canceled no claims.
2. Examiner does **not withdraw** the anticipated rejection to *Verma*. The following comments fully address applicant's arguments with respect to the rejection. Applicant's arguments filed 2/21/2005 have been fully considered but they are not persuasive. In particular, the examiner considers applicant's arguments persuasive for claims 1 and 31 as amended based on the clarification that *upon establishment of the tunneled PPP connection* between the mobile station and the terminal node via the first service node, assigning *at the terminal node* a unique address of the mobile station to the mobile station, said address associated with the mobile terminal *and the tunneled PPP connection* established between the mobile station and the terminal node via the first service node. However, examiner notes that the above limitation is not taught with respect to independent claim 16. Thus the examiner has maintained the rejection. In particular, *Verma* teaches assigning call state information at e.g., the first service node upon establishing a connection where this information is then sent to the communication/tunnel endpoint (i.e., terminal node) when a CDN message is received, see e.g., column 8, lines 25-47 with respect to column 9, lines 30-52 where a tunnel connection is a PPP connection.
3. Examiner does **not withdraw** the obviousness rejection to *TIA/EIA/IS-835*. The following comments fully address applicant's arguments with respect to the rejection.

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Applicant's arguments filed 2/21/2005 have been fully considered but they are not persuasive. In particular, see similar reasoning above for the anticipated rejection.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 16-29** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,522,880 B1 to *Verma et al.* ("*Verma*").

As to **claim 16**, see figure 4 where a mobile is terminal 20, a first service node is tunnel initiator 230, a second service node is tunnel initiator 240, and a terminal node is tunnel endpoint 250 (also note that applicant's database 118 is connection table 254). As such, terminal 20 establishes a connection with tunnel initiator 230. The tunnel initiator 230 then extends the established connection by sending a registration request message (see e.g., figure 2). Once the connection is established at layers 1 and 2 then other connection information is setup including but not limited to IP, see e.g., column 4, lines 54-67. The examiner construes the limitation a unique address as either IP information or *call state data information* which is *unique* to the call such as PPP (e.g., user name and password). In particular, the reference teaches that call state data may include call data relating to the PPP protocol or other connection oriented protocols, see e.g., column 8, lines 25-40. In addition, PPP information is also used to encapsulate network layer

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information, see e.g., column 3, lines 30-49. As shown in figures 4 and 7, upon roaming of the mobile station (i.e., terminal 20) a new connection is established between the mobile and second service node (i.e., tunnel initiator 240) with respect to a registration request message 402. The newly established connection is further extended to the terminal node (i.e., tunnel endpoint 250) using a TUNNEL\_HANDOFF\_REQUEST message 412. In particular, the TUNNEL\_HANDOFF\_REQUEST message 412 provides information to the connection table 254 to verify whether the unique address assigned to the mobile station is assigned to a prior connection. Specifically, upon determining that the unique address is associated with the terminal node via the first node, the unique address is assigned. For example, the call state information is maintained for the connection, see e.g., column 9, lines 44-53. The connection is officially terminated between the mobile station and the terminal node via the first service node by the TUNNEL\_HANDOFF\_RESPONSE message 416.

As to **claim 17**, the quality level is maintained since the connection parameters are the same.

As to **claims 18-19**, the service nodes or tunnel initiators are implemented in any suitable device, see e.g., column 2, lines 29-41.

As to **claim 20**, see e.g., figure 4 where the cellular or private network is 22,24 and the public or Internet is 70.

As to **claim 21**, the acquiring parameter could be the MIN or tunnel ID.

As to **claim 22**, see e.g., figure 7 where the old tunnel ID is acquired from database 244 or database 254.

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As to **claim 23**, see e.g., figure 7 and database or connection table 254.

As to **claim 24**, see e.g., figure 7 and database 244.

As to **claim 25**, a MIN or tunnel ID is a connection type parameter and connection assignment identification number.

As to **claim 26**, see similar rejection to claim 16.

As to **claim 27**, see either handoff table 244 or connection table 254.

As to **claim 28**, see either handoff table 244 or connection table 254.

As to **claim 29**, the connection table 254 includes at least a MIN, see e.g., column 8, lines 25-39.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 30** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,522,880 B1 to *Verma et al.* ("*Verma*") in view of "Wireless IP Network Standard" to *TIA/EIA/IS-835* (cited by applicant in IDS).

In making a proper obviousness rejection under MPEP 706.02(j), the examiner will address the following four steps:

- a) *the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line numbers where appropriate;*
- b) *the difference of differences in the claim(s) over the applied cited references;*

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- c) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter; and*
- d) an explanation why one skilled in the art at the time of the invention was made would have been motivated to make the proposed modification.*

As such to **claim 30**, for step (a) *Verma* discloses a wireless system.

For step (b) *Verma* is silent or deficient to the further limitation of specifically using SimpleIP in accordance with the CDMA2000 protocol.

*TIA/EIA/IS-835* teaches the further recited limitation above at e.g., figure 6 on page 17 and the description on page 18.

For step (c), the proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Verma* by clarifying that the wireless network is in accordance with the CDMA2000 protocol and SimpleIP.

In order to establish a prima facie case of obviousness for step (d), three basic criteria must be met. The three criteria according to MPEP 706.02(j) are as follows:

*First there must be some suggestion or modification, either in the reference(s) themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.*

As such, for step (d) examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the further limitation CDMA 2000 protocol and Simple IP. In particular, the motivation for modifying the reference or to combine the reference teachings would be so that the user can maintain its IP address. In particular, *TIA/EIA/IS-835* cures the above-cited deficiency by providing a motivation found at e.g., page 18. Second, there would be a reasonable expectation of success since

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both reference teach a wireless system. Thus the references either in singular or in combination teach the above claim limitation(s).

***Allowable Subject Matter***

8. **Claims 1-15 and 31-39** are allowed.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DWF

Derrick W. Ferris  
Examiner  
Art Unit 2663

  
RICKY NGO  
PRIMARY EXAMINER

7/11/05